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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
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14
15 ROXANNE BARRY,

16 Plaintiff,

17 v.

18 KILOLO KIJAKAZI,¹
Acting Commissioner of Social Security,

19 Defendant.
20

No. 1:20-cv-00619-BAM

STIPULATION AND ORDER FOR
EXTENSION TO FILE OPPOSITION TO
PLAINTIFF'S OPENING BRIEF

21 The parties stipulate through counsel that Defendant, the Commissioner of Social Security
22 (the "Commissioner"), shall have an extension of time to file his opposition to Plaintiff's opening
23 brief in this case. In support of this request, the Commissioner respectfully states as follows:

24 1. Primary responsibility for handling this case has been delegated to the Office of
25 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").
26

27 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the
28 Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant
in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the
Social Security Act, 42 U.S.C. § 405(g).

2. Defendant's response to Plaintiff's opening brief is currently due September 13, 2021. Defendant has not previously requested an extension of time for this deadline.

3. The Region IX Office currently handles all district and circuit court litigation involving the Social Security program arising in Arizona, California, Hawai'i, Nevada, and Guam.

4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil litigation involving the Social Security program in these eight assigned jurisdictions, at least part-time. In addition to this "program" litigation, the 27 staff attorneys in the Region IX Office maintain other workload responsibilities, with most of them dedicating 40 percent or more of their time to these workloads. The Region IX Office provides a full range of legal services as counsel for the Social Security Administration, in a region that covers four states (including the most populous state in the nation) and three territories. These other workloads include employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including employee conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure, torts, property, and contracts.

5. The undersigned attorney has 19 briefs due in district court cases over the next 30 days, including three briefs due on September 13, 2021, as well as additional non-briefing work. An ordinary volume of district court merits briefs for the undersigned would be five to seven briefs per month in addition to non-briefing work. As such, the current volume of merits brief deadlines is two to three times what is normal.

6. Due to the volume of the overall workload within the Region IX Office, neither the undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete briefing by the current due date of September 13, 2021. Therefore, Defendant seeks an extension of 30 days, until October 13, 2021 to respond to Plaintiff's opening brief.

7. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until October 13, 2021, to file his opposition to Plaintiff's opening brief.

Respectfully submitted,

DATE: August 30, 2021

/s/ *Denise Bourgeois Haley**
DENISE BOURGEOIS HALEY
Attorney for Plaintiff
(* approved via email on 8/25/21)

DATE: August 30, 2021

By *s/ Marcelo Illarmo*
MARCELO ILLARMO
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, and good cause appearing, Defendant's request for an extension of time to file his opposition to Plaintiff's opening brief is GRANTED. Defendant shall file his opposition brief on or before October 13, 2021. All other deadlines in the Court's Scheduling Order are modified accordingly.

IT IS SO ORDERED.

Dated: August 31, 2021

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE